

Amendment No.

CHAMBER ACTION

SenateHouse

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Representative Nelson offered the following:

Amendment to Senate Amendment (947090) (with title amendment)

Remove lines 5-2187 and insert:

Section 1. Paragraph (e) of subsection (2), subsection (4), paragraph (b) of subsection (5), and subsections (7) and (17) of section 215.555, Florida Statutes, are amended to read:

215.555 Florida Hurricane Catastrophe Fund.--

(2) DEFINITIONS.--As used in this section:

(e) "Retention" means the amount of losses below which an insurer is not entitled to reimbursement from the fund. An insurer's retention shall be calculated as follows:

1. The board shall calculate and report to each insurer the retention multiples for that year. For the contract year beginning June 1, 2005, the retention multiple shall be equal to 257873

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17 \$4.5 billion divided by the total estimated reimbursement
18 premium for the contract year; for subsequent years, the
19 retention multiple shall be equal to \$4.5 billion, adjusted
20 based upon the reported exposure from the prior contract year to
21 reflect the percentage growth in exposure to the fund for
22 covered policies since 2004, divided by the total estimated
23 reimbursement premium for the contract year. Total reimbursement
24 premium for purposes of the calculation under this subparagraph
25 shall be estimated using the assumption that all insurers have
26 selected the 90-percent coverage level. In 2010, the contract
27 year begins June 1, 2010, and ends December 31, 2010. In 2011
28 and thereafter, the contract year begins January 1 and ends
29 December 31.

30 2. The retention multiple as determined under subparagraph
31 1. shall be adjusted to reflect the coverage level elected by
32 the insurer. For insurers electing the 90-percent coverage
33 level, the adjusted retention multiple is 100 percent of the
34 amount determined under subparagraph 1. For insurers electing
35 the 75-percent coverage level, the retention multiple is 120
36 percent of the amount determined under subparagraph 1. For
37 insurers electing the 45-percent coverage level, the adjusted
38 retention multiple is 200 percent of the amount determined under
39 subparagraph 1.

40 3. An insurer shall determine its provisional retention by
41 multiplying its provisional reimbursement premium by the
42 applicable adjusted retention multiple and shall determine its
43 actual retention by multiplying its actual reimbursement premium
44 by the applicable adjusted retention multiple.

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4. For insurers who experience multiple covered events causing loss during the contract year, beginning June 1, 2005, each insurer's full retention shall be applied to each of the covered events causing the two largest losses for that insurer. For each other covered event resulting in losses, the insurer's retention shall be reduced to one-third of the full retention. The reimbursement contract shall provide for the reimbursement of losses for each covered event based on the full retention with adjustments made to reflect the reduced retentions on or after January 1 of the contract year provided the insurer reports its losses as specified in the reimbursement contract.

(4) REIMBURSEMENT CONTRACTS.--

(a) The board shall enter into a contract with each insurer writing covered policies in this state to provide to the insurer the reimbursement described in paragraphs (b) and (d), in exchange for the reimbursement premium paid into the fund under subsection (5). As a condition of doing business in this state, each such insurer shall enter into such a contract.

(b)1. The contract shall contain a promise by the board to reimburse the insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses.

2. The insurer must elect one of the percentage coverage levels specified in this paragraph and may, upon renewal of a reimbursement contract, elect a lower percentage coverage level if no revenue bonds issued under subsection (6) after a covered event are outstanding, or elect a higher percentage coverage

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level, regardless of whether or not revenue bonds are outstanding. All members of an insurer group must elect the same percentage coverage level. Any joint underwriting association, risk apportionment plan, or other entity created under s. 627.351 must elect the 90-percent coverage level.

3. The contract shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. Notwithstanding any other provision contained in this section, the board shall make available to insurers that purchased coverage provided by this subparagraph in 2008 ~~2007~~, insurers qualifying as limited apportionment companies under s. 627.351(6)(c), and insurers that have been approved to participate in the Insurance Capital Build-Up Incentive Program pursuant to s. 215.5595 a contract or contract addendum that provides an additional amount of reimbursement coverage of up to \$10 million. The premium to be charged for this additional reimbursement coverage shall be 50 percent of the additional reimbursement coverage provided, which shall include one prepaid reinstatement. The minimum retention level that an eligible participating insurer must retain associated with this additional coverage layer is 30 percent of the insurer's surplus as of December 31, 2008, for the 2009-2010 contract year; as of December 31, 2009, for the contract year beginning June 1, 2010, and ending December 31, 2010; and as of December 31, 2010, for the 2011 contract year ~~December 31, 2007~~. This coverage shall be in addition to all other coverage that may be provided under this section. The coverage provided by the fund under this

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subparagraph shall be in addition to the claims-paying capacity as defined in subparagraph (c)1., but only with respect to those insurers that select the additional coverage option and meet the requirements of this subparagraph. The claims-paying capacity with respect to all other participating insurers and limited apportionment companies that do not select the additional coverage option shall be limited to their reimbursement premium's proportionate share of the actual claims-paying capacity otherwise defined in subparagraph (c)1. and as provided for under the terms of the reimbursement contract. The optional coverage retention as specified shall be accessed before the mandatory coverage under the reimbursement contract, but once the limit of coverage selected under this option is exhausted, the insurer's retention under the mandatory coverage will apply. This coverage will apply and be paid concurrently with mandatory coverage. ~~Coverage provided in the reimbursement contract shall not be affected by the additional premiums paid by participating insurers exercising the additional coverage option allowed in this subparagraph.~~ This subparagraph expires on December 31, 2011 ~~May 31, 2009~~.

(c)1. The contract shall also provide that the obligation of the board with respect to all contracts covering a particular contract year shall not exceed the actual claims-paying capacity of the fund up to a limit of \$15 billion for that contract year adjusted based upon the reported exposure from the prior contract year to reflect the percentage growth in exposure to the fund for covered policies since 2003, provided the dollar growth in the limit may not increase in any year by an amount

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greater than the dollar growth of the balance of the fund as of December 31, less any premiums or interest attributable to optional coverage, as defined by rule which occurred over the prior calendar year.

2. In May ~~before the start of the upcoming contract year~~ and ~~in~~ October ~~of~~ during the contract year, the board shall publish in the Florida Administrative Weekly a statement of the fund's estimated borrowing capacity, the fund's estimated claims-paying capacity, and the projected balance of the fund as of December 31. After the end of each calendar year, the board shall notify insurers of the estimated borrowing capacity, estimated claims-paying capacity, and the balance of the fund as of December 31 to provide insurers with data necessary to assist them in determining their retention and projected payout from the fund for loss reimbursement purposes. In conjunction with the development of the premium formula, as provided for in subsection (5), the board shall publish factors or multiples that assist insurers in determining their retention and projected payout for the next contract year. For all regulatory and reinsurance purposes, an insurer may calculate its projected payout from the fund as its share of the total fund premium for the current contract year multiplied by the sum of the projected balance of the fund as of December 31 and the estimated borrowing capacity for that contract year as reported under this subparagraph.

(d)1. For purposes of determining potential liability and to aid in the sound administration of the fund, the contract shall require each insurer to report such insurer's losses from

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each covered event on an interim basis, as directed by the board. The contract shall require the insurer to report to the board no later than December 31 of each year, and quarterly thereafter, its reimbursable losses from covered events for the year. The contract shall require the board to determine and pay, as soon as practicable after receiving these reports of reimbursable losses, the initial amount of reimbursement due and adjustments to this amount based on later loss information. The adjustments to reimbursement amounts shall require the board to pay, or the insurer to return, amounts reflecting the most recent calculation of losses.

2. In determining reimbursements pursuant to this subsection, the contract shall provide that the board shall pay to each insurer such insurer's projected payout, which is the amount of reimbursement it is owed, up to an amount equal to the insurer's share of the actual premium paid for that contract year, multiplied by the actual claims-paying capacity available for that contract year.

3. The board may reimburse insurers for amounts up to the published factors or multiples for determining each participating insurer's retention and projected payout derived as a result of the development of the premium formula in those situations in which the total reimbursement of losses to such insurers would not exceed the estimated claims-paying capacity of the fund. Otherwise, such factors or multiples shall be reduced uniformly among all insurers to reflect the estimated claims-paying capacity.

(e)1. Except as provided in subparagraphs 2. and 3., the

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contract shall provide that if an insurer demonstrates to the board that it is likely to qualify for reimbursement under the contract, and demonstrates to the board that the immediate receipt of moneys from the board is likely to prevent the insurer from becoming insolvent, the board shall advance the insurer, at market interest rates, the amounts necessary to maintain the solvency of the insurer, up to 50 percent of the board's estimate of the reimbursement due the insurer. The insurer's reimbursement shall be reduced by an amount equal to the amount of the advance and interest thereon.

2. With respect only to an entity created under s. 627.351, the contract shall also provide that the board may, upon application by such entity, advance to such entity, at market interest rates, up to 90 percent of the lesser of:

a. The board's estimate of the amount of reimbursement due to such entity; or

b. The entity's share of the actual reimbursement premium paid for that contract year, multiplied by the currently available liquid assets of the fund. In order for the entity to qualify for an advance under this subparagraph, the entity must demonstrate to the board that the advance is essential to allow the entity to pay claims for a covered event and the board must determine that the fund's assets are sufficient and are sufficiently liquid to allow the board to make an advance to the entity and still fulfill the board's reimbursement obligations to other insurers. The entity's final reimbursement for any contract year in which an advance has been made under this subparagraph must be reduced by an amount equal to the amount of

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the advance and any interest on such advance. In order to determine what amounts, if any, are due the entity, the board may require the entity to report its exposure and its losses at any time to determine retention levels and reimbursements payable.

3. The contract shall also provide specifically and solely with respect to any limited apportionment company under s. 627.351(2)(b)3. that the board may, upon application by such company, advance to such company the amount of the estimated reimbursement payable to such company as calculated pursuant to paragraph (d), at market interest rates, if the board determines that the fund's assets are sufficient and are sufficiently liquid to permit the board to make an advance to such company and at the same time fulfill its reimbursement obligations to the insurers that are participants in the fund. Such company's final reimbursement for any contract year in which an advance pursuant to this subparagraph has been made shall be reduced by an amount equal to the amount of the advance and interest thereon. In order to determine what amounts, if any, are due to such company, the board may require such company to report its exposure and its losses at such times as may be required to determine retention levels and loss reimbursements payable.

(f) In order to ensure that insurers have properly reported the insured values on which the reimbursement premium is based and to ensure that insurers have properly reported the losses for which reimbursements have been made, the board shall inspect, examine, and verify the records of each insurer's covered policies at such times as the board deems appropriate

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241 and according to standards established by rule for the specific
242 purpose of validating the accuracy of exposures and losses
243 required to be reported under the terms and conditions of the
244 reimbursement contract. The costs of the examinations shall be
245 borne by the board. However, in order to remove any incentive
246 for an insurer to delay preparations for an examination, the
247 board shall be reimbursed by the insurer for any examination
248 expenses incurred in addition to the usual and customary costs
249 of the examination, which additional expenses were incurred as a
250 result of an insurer's failure, despite proper notice, to be
251 prepared for the examination or as a result of an insurer's
252 failure to provide requested information while the examination
253 is in progress. If the board finds any insurer's records or
254 other necessary information to be inadequate or inadequately
255 posted, recorded, or maintained, the board may employ experts to
256 reconstruct, rewrite, record, post, or maintain such records or
257 information, at the expense of the insurer being examined, if
258 such insurer has failed to maintain, complete, or correct such
259 records or deficiencies after the board has given the insurer
260 notice and a reasonable opportunity to do so. Any information
261 contained in an examination report, which information is
262 described in s. 215.557, is confidential and exempt from the
263 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
264 Constitution, as provided in s. 215.557. Nothing in this
265 paragraph expands the exemption in s. 215.557.

266 (g) The contract shall provide that in the event of the
267 insolvency of an insurer, the fund shall pay directly to the
268 Florida Insurance Guaranty Association for the benefit of
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Florida policyholders of the insurer the net amount of all reimbursement moneys owed to the insurer. As used in this paragraph, the term "net amount of all reimbursement moneys" means that amount which remains after reimbursement for:

1. Preliminary or duplicate payments owed to private reinsurers or other inuring reinsurance payments to private reinsurers that satisfy statutory or contractual obligations of the insolvent insurer attributable to covered events to such reinsurers; or

2. Funds owed to a bank or other financial institution to cover obligations of the insolvent insurer under a credit agreement that assists the insolvent insurer in paying claims attributable to covered events.

The private reinsurers, banks, or other financial institutions shall be reimbursed or otherwise paid prior to payment to the Florida Insurance Guaranty Association, notwithstanding any law to the contrary. The guaranty association shall pay all claims up to the maximum amount permitted by chapter 631; thereafter, any remaining moneys shall be paid pro rata to claims not fully satisfied. This paragraph does not apply to a joint underwriting association, risk apportionment plan, or other entity created under s. 627.351.

(5) REIMBURSEMENT PREMIUMS.--

(b) The State Board of Administration shall select an independent consultant to develop a formula for determining the actuarially indicated premium to be paid to the fund. The formula shall specify, for each zip code or other limited

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geographical area, the amount of premium to be paid by an insurer for each \$1,000 of insured value under covered policies in that zip code or other area. In establishing premiums, the board shall consider the coverage elected under paragraph (4)(b) and any factors that tend to enhance the actuarial sophistication of ratemaking for the fund, including deductibles, type of construction, type of coverage provided, relative concentration of risks, and other such factors deemed by the board to be appropriate. The formula must provide for a cash build-up factor. For the 2009-2010 contract year, the factor is 5 percent. For the contract year beginning June 1, 2010, and ending December 31, 2010, the factor is 10 percent. For the 2011 contract year, the factor is 15 percent. For the 2012 contract year, the factor is 20 percent. For the 2013 contract year and thereafter, the factor is 25 percent. The formula may provide for a procedure to determine the premiums to be paid by new insurers that begin writing covered policies after the beginning of a contract year, taking into consideration when the insurer starts writing covered policies, the potential exposure of the insurer, the potential exposure of the fund, the administrative costs to the insurer and to the fund, and any other factors deemed appropriate by the board. The formula must be approved by unanimous vote of the board. The board may, at any time, revise the formula pursuant to the procedure provided in this paragraph.

(7) ADDITIONAL POWERS AND DUTIES.--

(a) The board may procure reinsurance from reinsurers acceptable to the Office of Insurance Regulation for the purpose

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of maximizing the capacity of the fund and may enter into capital market transactions, including, but not limited to, industry loss warranties, catastrophe bonds, side-car arrangements, or financial contracts permissible for the board's usage under s. 215.47(10) and (11), consistent with prudent management of the fund.

(b) In addition to borrowing under subsection (6), the board may also borrow from, or enter into other financing arrangements with, any market sources at prevailing interest rates.

(c) Each fiscal year, the Legislature shall appropriate from the investment income of the Florida Hurricane Catastrophe Fund an amount no less than \$10 million and no more than 35 percent of the investment income based upon the most recent fiscal year-end audited financial statements for the purpose of providing funding for local governments, state agencies, public and private educational institutions, and nonprofit organizations to support programs intended to improve hurricane preparedness, reduce potential losses in the event of a hurricane, provide research into means to reduce such losses, educate or inform the public as to means to reduce hurricane losses, assist the public in determining the appropriateness of particular upgrades to structures or in the financing of such upgrades, or protect local infrastructure from potential damage from a hurricane. Moneys shall first be available for appropriation under this paragraph in fiscal year 1997-1998. Moneys in excess of the \$10 million specified in this paragraph shall not be available for appropriation under this paragraph if

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the State Board of Administration finds that an appropriation of investment income from the fund would jeopardize the actuarial soundness of the fund.

(d) The board may allow insurers to comply with reporting requirements and reporting format requirements by using alternative methods of reporting if the proper administration of the fund is not thereby impaired and if the alternative methods produce data which is consistent with the purposes of this section.

(e) In order to assure the equitable operation of the fund, the board may impose a reasonable fee on an insurer to recover costs involved in reprocessing inaccurate, incomplete, or untimely exposure data submitted by the insurer.

(f) The board may require insurers to notarize documents submitted to the board.

(17) TEMPORARY INCREASE IN COVERAGE LIMIT OPTIONS.--

(a) Findings and intent.--

1. The Legislature finds that:

a. Because of temporary disruptions in the market for catastrophic reinsurance, many property insurers were unable to procure sufficient amounts of reinsurance for the 2006 hurricane season or were able to procure such reinsurance only by incurring substantially higher costs than in prior years.

b. The reinsurance market problems were responsible, at least in part, for substantial premium increases to many consumers and increases in the number of policies issued by Citizens Property Insurance Corporation.

c. It is likely that the reinsurance market disruptions

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will not significantly abate prior to the 2007 hurricane season.

2. It is the intent of the Legislature to create options for insurers to purchase a temporary increased coverage limit above the statutorily determined limit in subparagraph (4)(c)1., applicable for the 2007, 2008, ~~and 2009~~, 2010, 2011, 2012, and 2013 hurricane seasons, to address market disruptions and enable insurers, at their option, to procure additional coverage from the Florida Hurricane Catastrophe Fund.

(b) Applicability of other provisions of this section.--All provisions of this section and the rules adopted under this section apply to the coverage created by this subsection unless specifically superseded by provisions in this subsection.

(c) Optional coverage.--For the contract year commencing June 1, 2007, and ending May 31, 2008, the contract year commencing June 1, 2008, and ending May 31, 2009, ~~and the~~ contract year commencing June 1, 2009, and ending May 31, 2010, the contract year commencing June 1, 2010, and ending December 31, 2010, the contract year commencing January 1, 2011, and ending December 31, 2011, the contract year commencing January 1, 2012, and ending December 31, 2012, and the contract year commencing January 1, 2013, and ending December 31, 2013, the board shall offer, for each of such years, the optional coverage as provided in this subsection.

(d) Additional definitions.--As used in this subsection, the term:

1. "FHCF" means Florida Hurricane Catastrophe Fund.

2. "FHCF reimbursement premium" means the premium paid by

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an insurer for its coverage as a mandatory participant in the FHCF, but does not include additional premiums for optional coverages.

3. "Payout multiple" means the number or multiple created by dividing the statutorily defined claims-paying capacity as determined in subparagraph (4)(c)1. by the aggregate reimbursement premiums paid by all insurers estimated or projected as of calendar year-end.

4. "TICL" means the temporary increase in coverage limit.

5. "TICL options" means the temporary increase in coverage options created under this subsection.

6. "TICL insurer" means an insurer that has opted to obtain coverage under the TICL options addendum in addition to the coverage provided to the insurer under its FHCF reimbursement contract.

7. "TICL reimbursement premium" means the premium charged by the fund for coverage provided under the TICL option.

8. "TICL coverage multiple" means the coverage multiple when multiplied by an insurer's reimbursement premium that defines the temporary increase in coverage limit.

9. "TICL coverage" means the coverage for an insurer's losses above the insurer's statutorily determined claims-paying capacity based on the claims-paying limit in subparagraph (4)(c)1., which an insurer selects as its temporary increase in coverage from the fund under the TICL options selected. A TICL insurer's increased coverage limit options shall be calculated as follows:

a. The board shall calculate and report to each TICL

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insurer the TICL coverage multiples based on 12 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, \$8 billion, \$9 billion, \$10 billion, \$11 billion, or \$12 billion by the total estimated aggregate FHCF reimbursement premiums for the 2007-2008 contract year, and the 2008-2009 contract year, ~~and the 2009-2010 contract year.~~

b. For the 2009-2010 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on 10 options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, \$8 billion, \$9 billion, and \$10 billion by the total estimated aggregate FHCF reimbursement premiums for the 2009-2010 contract year.

c. For the contract year beginning June 1, 2010, and ending December 31, 2010, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on eight options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, \$6 billion, \$7 billion, and \$8 billion by the total estimated aggregate FHCF reimbursement premiums for the contract year.

d. For the 2011 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on six options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by

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dividing \$1 billion, \$2 billion, \$3 billion, \$4 billion, \$5 billion, and \$6 billion by the total estimated aggregate FHCF reimbursement premiums for the 2011 contract year.

e. For the 2012 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on four options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion, \$2 billion, \$3 billion, and \$4 billion by the total estimated aggregate FHCF reimbursement premiums for the 2012 contract year.

f. For the 2013 contract year, the board shall calculate and report to each TICL insurer the TICL coverage multiples based on two options for increasing the insurer's FHCF coverage limit. Each TICL coverage multiple shall be calculated by dividing \$1 billion and \$2 billion by the total estimated aggregate FHCF reimbursement premiums for the 2013 contract year.

g.b. The TICL insurer's increased coverage shall be the FHCF reimbursement premium multiplied by the TICL coverage multiple. In order to determine an insurer's total limit of coverage, an insurer shall add its TICL coverage multiple to its payout multiple. The total shall represent a number that, when multiplied by an insurer's FHCF reimbursement premium for a given reimbursement contract year, defines an insurer's total limit of FHCF reimbursement coverage for that reimbursement contract year.

10. "TICL options addendum" means an addendum to the reimbursement contract reflecting the obligations of the fund

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and insurers selecting an option to increase an insurer's FHCF coverage limit.

(e) TICL options addendum.--

1. The TICL options addendum shall provide for reimbursement of TICL insurers for covered events occurring between June 1, 2007, and May 31, 2008, ~~and~~ between June 1, 2008, and May 31, 2009, ~~or~~ between June 1, 2009, and May 31, 2010, between June 1, 2010, and December 31, 2010, between January 1, 2011, and December 31, 2011, between January 1, 2012, and December 31, 2012, or between January 1, 2013, and December 31, 2013, in exchange for the TICL reimbursement premium paid into the fund under paragraph (f). Any insurer writing covered policies has the option of selecting an increased limit of coverage under the TICL options addendum and shall select such coverage at the time that it executes the FHCF reimbursement contract.

2. The TICL addendum shall contain a promise by the board to reimburse the TICL insurer for 45 percent, 75 percent, or 90 percent of its losses from each covered event in excess of the insurer's retention, plus 5 percent of the reimbursed losses to cover loss adjustment expenses. The percentage shall be the same as the coverage level selected by the insurer under paragraph (4) (b).

3. The TICL addendum shall provide that reimbursement amounts shall not be reduced by reinsurance paid or payable to the insurer from other sources.

4. The priorities, schedule, and method of reimbursements under the TICL addendum shall be the same as provided under 257873

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subsection (4).

(f) TICL reimbursement premiums.--Each TICL insurer shall pay to the fund, in the manner and at the time provided in the reimbursement contract for payment of reimbursement premiums, a TICL reimbursement premium determined as specified in subsection (5), except that a cash build-up factor does not apply to the TICL reimbursement premiums. However, the TICL reimbursement premium shall be increased in contract year 2009-2010 by a factor of two, in the contract year beginning June 1, 2010, and ending December 31, 2010, by a factor of three, in the 2011 contract year by a factor of four, in the 2012 contract year by a factor of five, and in the 2013 contract year by a factor of six.

(g) Effect on claims-paying capacity of the fund.--For the contract terms commencing June 1, 2007, June 1, 2008, ~~and~~ June 1, 2009, June 1, 2010, January 1, 2011, January 1, 2012, and January 1, 2013, the program created by this subsection shall increase the claims-paying capacity of the fund as provided in subparagraph (4)(c)1. by an amount not to exceed \$12 billion and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. The additional capacity shall apply only to the additional coverage provided under the TICL options and shall not otherwise affect any insurer's reimbursement from the fund if the insurer chooses not to select the temporary option to increase its limit of coverage under the FHCF.

~~(h) Increasing the claims-paying capacity of the fund.--For the contract years commencing June 1, 2007, June 1,~~
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~~2008, and June 1, 2009, the board may increase the claims-paying capacity of the fund as provided in paragraph (g) by an amount not to exceed \$4 billion in four \$1 billion options and shall depend on the TICL coverage options selected and the number of insurers that select the TICL optional coverage. Each insurer's TICL premium shall be calculated based upon the additional limit of increased coverage that the insurer selects. Such limit is determined by multiplying the TICL multiple associated with one of the four options times the insurer's FHCF reimbursement premium. The reimbursement premium associated with the additional coverage provided in this paragraph shall be determined as specified in subsection (5).~~

Section 2. Section 215.5586, Florida Statutes, as amended by section 1 of chapter 2009-10, Laws of Florida, is amended to read:

215.5586 My Safe Florida Home Program.--There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide trained and certified inspectors to perform inspections for owners of ~~for at least 400,000~~ site-built, single-family, residential properties and ~~provide~~ grants to

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577 ~~eligible at least 35,000~~ applicants as funding allows before
578 ~~June 30, 2009~~. The program shall develop and implement a
579 comprehensive and coordinated approach for hurricane damage
580 mitigation that may ~~shall~~ include the following:

581 (1) HURRICANE MITIGATION INSPECTIONS.--

582 (a) Certified inspectors to provide ~~free~~ home-retrofit
583 inspections of site-built, single-family, residential property
584 may ~~shall~~ be offered ~~throughout the state~~ to determine what
585 mitigation measures are needed, what insurance premium discounts
586 may be available, and what improvements to existing residential
587 properties are needed to reduce the property's vulnerability to
588 hurricane damage. The Department of Financial Services shall
589 contract with wind certification entities to provide ~~free~~
590 hurricane mitigation inspections. The inspections provided to
591 homeowners, at a minimum, must include:

592 1. A home inspection and report that summarizes the
593 results and identifies recommended improvements a homeowner may
594 take to mitigate hurricane damage.

595 2. A range of cost estimates regarding the recommended
596 mitigation improvements.

597 3. Insurer-specific information regarding premium
598 discounts correlated to the current mitigation features and the
599 recommended mitigation improvements identified by the
600 inspection.

601 4. A hurricane resistance rating scale specifying the
602 home's current as well as projected wind resistance
603 capabilities. As soon as practical, the rating scale must be the
604 uniform home grading scale adopted by the Financial Services

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Commission pursuant to s. 215.55865.

(b) To qualify for selection by the department as a wind certification entity to provide hurricane mitigation inspections, the entity shall, at a minimum, meet the following requirements:

1. Use hurricane mitigation inspectors who:

a. Are certified as a building inspector under s. 468.607;

b. Are licensed as a general or residential contractor under s. 489.111;

c. Are licensed as a professional engineer under s. 471.015 and who have passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841;

d. Are licensed as a professional architect under s. 481.213; or

e. Have at least 2 years of experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures. Such training may be provided by a class offered online or in person.

2. Use hurricane mitigation inspectors who also:

a. Have undergone drug testing and level 2 background checks pursuant to s. 435.04. The department may conduct criminal record checks of inspectors used by wind certification entities. Inspectors must submit a set of the fingerprints to the department for state and national criminal history checks and must pay the fingerprint processing fee set forth in s. 624.501. The fingerprints shall be sent by the department to the Department of Law Enforcement and forwarded to the Federal

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Bureau of Investigation for processing. The results shall be returned to the department for screening. The fingerprints shall be taken by a law enforcement agency, designated examination center, or other department-approved entity; and

b. Have been certified, in a manner satisfactory to the department, to conduct the inspections.

3. Provide a quality assurance program including a reinspection component.

(c) The department shall implement a quality assurance program that includes a statistically valid number of reinspections.

(d) An application for an inspection must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application for that home.

(e) The owner of a site-built, single-family, residential property may apply for and receive an inspection without also applying for a grant pursuant to subsection (2) and without meeting the requirements of paragraph (2)(a).

(2) MITIGATION GRANTS.--Financial grants shall be used to encourage single-family, site-built, owner-occupied, residential property owners to retrofit their properties to make them less vulnerable to hurricane damage.

(a) For a homeowner to be eligible for a grant, the following criteria ~~for persons who have obtained a completed inspection after May 1, 2007, a residential property must be~~ met:

1. The homeowner must have been granted a homestead

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exemption on the home under chapter 196.

2. The home must be a dwelling with an insured value of \$300,000 or less. Homeowners who are low-income persons, as defined in s. 420.0004(10), are exempt from this requirement.

3. The home must have undergone an acceptable hurricane mitigation inspection after May 1, 2007.

4. The home must be located in the "wind-borne debris region" as that term is defined in s. 1609.2, International Building Code (2006), or as subsequently amended.

5. ~~Be a home for which~~ The building permit application for initial construction of the home must have been ~~was~~ made before March 1, 2002.

An application for a grant must contain a signed or electronically verified statement made under penalty of perjury that the applicant has submitted only a single application and must have attached documents demonstrating the applicant meets the requirements of this paragraph.

(b) All grants must be matched on a dollar-for-dollar basis up to ~~for~~ a total of \$10,000 for the actual cost of the mitigation project with the state's contribution not to exceed \$5,000.

(c) The program shall create a process in which contractors agree to participate and homeowners select from a list of participating contractors. All mitigation must be based upon the securing of all required local permits and inspections and must be performed by properly licensed contractors.

Mitigation projects are subject to random reinspection of up to

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at least 5 percent of all projects. Hurricane mitigation inspectors qualifying for the program may also participate as mitigation contractors as long as the inspectors meet the department's qualifications and certification requirements for mitigation contractors.

(d) Matching fund grants shall also be made available to local governments and nonprofit entities for projects that will reduce hurricane damage to single-family, site-built, owner-occupied, residential property. The department shall liberally construe those requirements in favor of availing the state of the opportunity to leverage funding for the My Safe Florida Home Program with other sources of funding.

(e) When recommended by a hurricane mitigation inspection, grants may be used for the following improvements ~~only~~:

1. Opening protection.
2. Exterior doors, including garage doors.
3. Brace gable ends.
4. Reinforcing roof-to-wall connections.
5. Improving the strength of roof-deck attachments.
6. Upgrading roof covering from code to code plus.
7. Secondary water barrier for roof.

The department may require that improvements be made to all openings, including exterior doors and garage doors, as a condition of reimbursing a homeowner approved for a grant. The department may adopt, by rule, the maximum grant allowances for any improvement allowable under this paragraph.

(f) Grants may be used on a previously inspected existing

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717 structure or on a rebuild. A rebuild is defined as a site-built,
718 single-family dwelling under construction to replace a home that
719 was destroyed or significantly damaged by a hurricane and deemed
720 unlivable by a regulatory authority. The homeowner must be a
721 low-income homeowner as defined in paragraph (g), must have had
722 a homestead exemption for that home prior to the hurricane, and
723 must be intending to rebuild the home as that homeowner's
724 homestead.

725 (g) Low-income homeowners, as defined in s. 420.0004(10),
726 who otherwise meet the requirements of paragraphs (a), (c), (e),
727 and (f) are eligible for a grant of up to \$5,000 and are not
728 required to provide a matching amount to receive the grant.
729 Additionally, for low-income homeowners, grant funding may be
730 used for repair to existing structures leading to any of the
731 mitigation improvements provided in paragraph (e), limited to 20
732 percent of the grant value. The program may accept a
733 certification directly from a low-income homeowner that the
734 homeowner meets the requirements of s. 420.0004(10) if the
735 homeowner provides such certification in a signed or
736 electronically verified statement made under penalty of perjury.

737 (h) The department shall establish objective, reasonable
738 criteria for prioritizing grant applications, consistent with
739 the requirements of this section.

740 (i) The department shall develop a process that ensures
741 the most efficient means to collect and verify grant
742 applications to determine eligibility and may direct hurricane
743 mitigation inspectors to collect and verify grant application
744 information or use the Internet or other electronic means to

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collect information and determine eligibility.

(3) EDUCATION AND CONSUMER AWARENESS.--The department may undertake a statewide multimedia public outreach and advertising campaign to inform consumers of the availability and benefits of hurricane inspections and of the safety and financial benefits of residential hurricane damage mitigation. The department may seek out and use local, state, federal, and private funds to support the campaign.

(4) ADVISORY COUNCIL.--There is created an advisory council to provide advice and assistance to the department regarding administration of the program. The advisory council shall consist of:

(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.

(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.

(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.

(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane-resistant construction methodologies and materials.

(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.

(f) Two members of the Senate, selected by the President

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of the Senate.

(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.

(h) The senior officer of the Florida Hurricane Catastrophe Fund.

(i) The executive director of Citizens Property Insurance Corporation.

(j) The director of the Florida Division of Emergency Management ~~of the Department of Community Affairs.~~

Members appointed under paragraphs (a)-(d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve as voting ex officio members. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.

(5) FUNDING.--The department may seek out and leverage local, state, federal, or private funds to enhance the financial resources of the program.

(6) RULES.--The Department of Financial Services shall adopt rules pursuant to ss. 120.536(1) and 120.54 to govern the program; implement the provisions of this section; including rules governing hurricane mitigation inspections and grants, mitigation contractors, and training of inspectors and contractors; and carry out the duties of the department under this section.

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801 (7) HURRICANE MITIGATION INSPECTOR LIST.--The department
802 shall develop and maintain as a public record a current list of
803 hurricane mitigation inspectors authorized to conduct hurricane
804 mitigation inspections pursuant to this section.

805 ~~(8) NO-INTEREST LOANS.--The department shall implement a~~
806 ~~no-interest loan program by October 1, 2008, contingent upon the~~
807 ~~selection of a qualified vendor and execution of a contract~~
808 ~~acceptable to the department and the vendor. The department~~
809 ~~shall enter into partnerships with the private sector to provide~~
810 ~~loans to owners of site-built, single-family, residential~~
811 ~~property to pay for mitigation measures listed in subsection~~
812 ~~(2). A loan eligible for interest payments pursuant to this~~
813 ~~subsection may be for a term of up to 3 years and cover up to~~
814 ~~\$5,000 in mitigation measures. The department shall pay the~~
815 ~~creditor the market rate of interest using funds appropriated~~
816 ~~for the My Safe Florida Home Program. In no case shall the~~
817 ~~department pay more than the interest rate set by s. 687.03. To~~
818 ~~be eligible for a loan, a loan applicant must first obtain a~~
819 ~~home inspection and report that specifies what improvements are~~
820 ~~needed to reduce the property's vulnerability to windstorm~~
821 ~~damage pursuant to this section and meet loan underwriting~~
822 ~~requirements set by the lender. The department may adopt rules~~
823 ~~pursuant to ss. 120.536(1) and 120.54 to implement this~~
824 ~~subsection which may include eligibility criteria.~~

825 (8)~~(9)~~ PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE
826 BROKERS AND SALES ASSOCIATES.--The program shall develop
827 brochures for distribution to general contractors, roofing
828 contractors, and real estate brokers and sales associates

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829 licensed under part I of chapter 475 explaining the benefits to
830 homeowners of residential hurricane damage mitigation. The
831 program shall encourage contractors to distribute the brochures
832 to homeowners at the first meeting with a homeowner who is
833 considering contracting for home or roof repairs or contracting
834 for the construction of a new home. The program shall encourage
835 real estate brokers and sales associates licensed under part I
836 of chapter 475 to distribute the brochures to clients prior to
837 the purchase of a home. The brochures may be made available
838 electronically.

839 (9)~~(10)~~ CONTRACT MANAGEMENT.--The department may contract
840 with third parties for grants management, inspection services,
841 contractor services for low-income homeowners, information
842 technology, educational outreach, and auditing services. Such
843 contracts shall be considered direct costs of the program and
844 shall not be subject to administrative cost limits, but
845 contracts valued at \$1 million ~~\$500,000~~ or more shall be subject
846 to review and approval by the Legislative Budget Commission. The
847 department shall contract with providers that have a
848 demonstrated record of successful business operations in areas
849 directly related to the services to be provided and shall ensure
850 the highest accountability for use of state funds, consistent
851 with this section.

852 (10)~~(11)~~ INTENT.--It is the intent of the Legislature that
853 grants made to residential property owners under this section
854 shall be considered disaster-relief assistance within the
855 meaning of s. 139 of the Internal Revenue Code of 1986, as
856 amended.

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857 ~~(11)(12)~~ REPORTS.--The department shall make an annual
858 report on the activities of the program that shall account for
859 the use of state funds and indicate the number of inspections
860 requested, the number of inspections performed, the number of
861 grant applications received, and the number and value of grants
862 approved. The report shall be delivered to the President of the
863 Senate and the Speaker of the House of Representatives by
864 February 1 of each year.

865 Section 3. Subsection (13) is added to section 626.854,
866 Florida Statutes, to read:

867 626.854 "Public adjuster" defined; prohibitions.--The
868 Legislature finds that it is necessary for the protection of the
869 public to regulate public insurance adjusters and to prevent the
870 unauthorized practice of law.

871 (13) A public adjuster, public adjuster apprentice, or any
872 person acting on behalf of a public adjuster or apprentice may
873 not accept referrals of business from any person with whom the
874 public adjuster conducts business if there is any form or manner
875 of agreement to compensate the person, whether directly or
876 indirectly, for referring business to the public adjuster. A
877 public adjuster may not compensate any person, except for
878 another public adjuster, whether directly or indirectly, for the
879 principal purpose of referring business to the public adjuster.

880
881 The provisions of subsections (5)-(13) ~~subsections (5)-(12)~~
882 apply only to residential property insurance policies and
883 condominium association policies as defined in s. 718.111(11).

884 Section 4. Subsection (7) is added to section 627.7011,
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Florida Statutes, to read:

627.7011 Homeowners' policies; offer of replacement cost coverage and law and ordinance coverage.--

(7) This section does not prohibit an insurer from exercising its right to repair damaged property in compliance with its policy and s. 627.702(7).

Section 5. Subsection (1) of section 626.865, Florida Statutes, is amended to read:

626.865 Public adjuster's qualifications, bond.--

(1) The department shall issue a license to an applicant for a public adjuster's license upon determining that the applicant has paid the applicable fees specified in s. 624.501 and possesses the following qualifications:

(a) Is a natural person at least 18 years of age.

(b) Is a United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and a bona fide resident of this state.

(c) Is trustworthy and has such business reputation as would reasonably assure that the applicant will conduct his or her business as insurance adjuster fairly and in good faith and without detriment to the public.

(d) Has had sufficient experience, training, or instruction concerning the adjusting of damages or losses under insurance contracts, other than life and annuity contracts, is sufficiently informed as to the terms and effects of the provisions of those types of insurance contracts, and possesses adequate knowledge of the laws of this state relating to such

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contracts as to enable and qualify him or her to engage in the business of insurance adjuster fairly and without injury to the public or any member thereof with whom the applicant may have business as a public adjuster.

~~(c) Has passed the required written examination.~~

Section 6. Section 626.8651, Florida Statutes, is amended to read:

626.8651 Public adjuster apprentice license; qualifications.--

(1) The department shall issue a license as a public adjuster apprentice to an applicant who is:

(a) A natural person at least 18 years of age.

(b) A United States citizen or legal alien who possesses work authorization from the United States Bureau of Citizenship and Immigration Services and is a resident of this state.

(c) Trustworthy and has such business reputation as would reasonably ensure that the applicant will conduct business as a public adjuster apprentice fairly and in good faith and without detriment to the public.

(2) All applicable license fees, as prescribed in s. 624.501, must be paid in full before issuance of the license.

(3) An applicant must pass the required written examination before a license may be issued.

(4) An applicant must have received designation as an Accredited Claims Adjuster (ACA) after completion of training that qualifies the applicant to engage in the business of a public adjuster apprentice fairly and without injury to the public. Such training and instruction must address adjusting

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damages and losses under insurance contracts, the terms and effects of insurance contracts, and knowledge of the laws of this state relating to insurance contracts.

(5) At the time of application for license as a public adjuster apprentice, the applicant shall file with the department a bond executed and issued by a surety insurer authorized to transact such business in this state in the amount of \$50,000, conditioned upon the faithful performance of his or her duties as a public adjuster apprentice under the license for which the applicant has applied, and thereafter maintain the bond unimpaired throughout the existence of the license and for at least 1 year after termination of the license. The bond shall be in favor of the department and shall specifically authorize recovery by the department of the damages sustained in case the licensee commits fraud or unfair practices in connection with his or her business as a public adjuster apprentice. The aggregate liability of the surety for all such damages may not exceed the amount of the bond, and the bond may not be terminated by the issuing insurer unless written notice of at least 30 days is given to the licensee and filed with the department.

~~(6)(4)~~ A public adjuster apprentice shall complete at a minimum 100 hours of employment per month for 12 months of employment under the supervision of a licensed and appointed all-lines public adjuster in order to qualify for licensure as a public adjuster. The department may adopt rules that establish standards for such employment requirements.

~~(7)(5)~~ An appointing public adjusting firm may not

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969 maintain more than 12 public adjuster apprentices
970 simultaneously. However, a supervising public adjuster may not
971 ~~shall~~ be responsible for more than 3 public adjuster apprentices
972 simultaneously and shall be accountable for the acts of all a
973 public adjuster apprentices ~~apprentice~~ which are related to
974 transacting business as a public adjuster apprentice.

975 (8)(6) An apprentice license is effective for 18 months
976 unless the license expires due to lack of maintaining an
977 appointment; is surrendered by the licensee; is terminated,
978 suspended, or revoked by the department; or is canceled by the
979 department upon issuance of a public adjuster license. The
980 department may not issue a public adjuster apprentice license to
981 any individual who has held such a license in this state within
982 2 years after expiration, surrender, termination, revocation, or
983 cancellation of the license.

984 (9)(7) After completing the requirements for employment as
985 a public adjuster apprentice, the licensee may file an
986 application for a public adjuster license. The applicant and
987 supervising public adjuster or public adjusting firm must each
988 file a sworn affidavit, on a form prescribed by the department,
989 verifying that the employment of the public adjuster apprentice
990 meets the requirements of this section.

991 (10)(8) In no event shall a public adjuster apprentice
992 licensed under this section perform any of the functions for
993 which a public adjuster's license is required after expiration
994 of the public adjuster apprentice license without having
995 obtained a public adjuster license.

996 (11)(9) A public adjuster apprentice has the same

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997 authority as the licensed public adjuster or public adjusting
998 firm that employs the apprentice except that an apprentice may
999 not execute contracts for the services of a public adjuster or
1000 public adjusting firm and may not solicit contracts for the
1001 services except under the direct supervision and guidance of the
1002 supervisory public adjuster. An individual may not be, act as,
1003 or hold himself or herself out to be a public adjuster
1004 apprentice unless the individual is licensed and holds a current
1005 appointment by a licensed public all-lines adjuster or a public
1006 adjusting firm that employs a licensed all-lines public
1007 adjuster.

1008 Section 7. Paragraph (a) of subsection (2) and subsection
1009 (5) of section 627.062, Florida Statutes, are amended, and
1010 paragraph (k) is added to subsection (2) of that section, to
1011 read:

1012 627.062 Rate standards.--

1013 (2) As to all such classes of insurance:

1014 (a) Insurers or rating organizations shall establish and
1015 use rates, rating schedules, or rating manuals to allow the
1016 insurer a reasonable rate of return on such classes of insurance
1017 written in this state. A copy of rates, rating schedules, rating
1018 manuals, premium credits or discount schedules, and surcharge
1019 schedules, and changes thereto, shall be filed with the office
1020 under one of the following procedures except as provided in
1021 subparagraph 3.:

1022 1. If the filing is made at least 90 days before the
1023 proposed effective date and the filing is not implemented during
1024 the office's review of the filing and any proceeding and

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judicial review, then such filing shall be considered a "file and use" filing. In such case, the office shall finalize its review by issuance of a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing. The notice of intent to approve and the notice of intent to disapprove constitute agency action for purposes of the Administrative Procedure Act. Requests for supporting information, requests for mathematical or mechanical corrections, or notification to the insurer by the office of its preliminary findings shall not toll the 90-day period during any such proceedings and subsequent judicial review. The rate shall be deemed approved if the office does not issue a notice of intent to approve or a notice of intent to disapprove within 90 days after receipt of the filing.

2. If the filing is not made in accordance with the provisions of subparagraph 1., such filing shall be made as soon as practicable, but no later than 30 days after the effective date, and shall be considered a "use and file" filing. An insurer making a "use and file" filing is potentially subject to an order by the office to return to policyholders portions of rates found to be excessive, as provided in paragraph (h).

3. For all property insurance filings made or submitted after January 25, 2007, but before December 31, 2010 ~~2009~~, an insurer seeking a rate that is greater than the rate most recently approved by the office shall make a "file and use" filing. For purposes of this subparagraph, motor vehicle collision and comprehensive coverages are not considered to be property coverages.

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1053 (k)1. An insurer may make a separate filing limited solely
1054 to an adjustment of its rates for reinsurance or financing costs
1055 incurred in the purchase of reinsurance or financing products to
1056 replace or finance the payment of the amount covered by the
1057 Temporary Increase in Coverage Limits (TICL) portion of the
1058 Florida Hurricane Catastrophe Fund including replacement
1059 reinsurance for the TICL reductions made pursuant to s.
1060 215.555(17)(e); the actual cost paid due to the application of
1061 the TICL premium factor pursuant to s. 215.555 (17)(f); and the
1062 actual cost paid due to the application of the cash build-up
1063 factor pursuant to s. 215.555(5)(b) if the insurer:

1064 a. Elects to purchase financing products such as a
1065 liquidity instrument or line of credit, in which case the cost
1066 included in the filing for the liquidity instrument or line of
1067 credit may not result in a premium increase exceeding 3 percent
1068 for any individual policyholder. All costs contained in the
1069 filing may not result in an overall premium increase of more
1070 than 10 percent for any individual policyholder.

1071 b. Includes in the filing a copy of all of its
1072 reinsurance, liquidity instrument, or line of credit contracts;
1073 proof of the billing or payment for the contracts; and the
1074 calculation upon which the proposed rate change is based
1075 demonstrates that the costs meet the criteria of this section
1076 and are not loaded for expenses or profit for the insurer making
1077 the filing.

1078 c. Includes no other changes to its rates in the filing.

1079 d. Has not implemented a rate increase within the 6 months
1080 immediately preceding the filing.

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1081 e. Does not file for a rate increase under any other
1082 paragraph within 6 months after making a filing under this
1083 paragraph.

1084 f. That purchases reinsurance or financing products from
1085 an affiliated company in compliance with this paragraph does so
1086 only if the costs for such reinsurance or financing products are
1087 charged at or below charges made for comparable coverage by
1088 nonaffiliated reinsurers or financial entities making such
1089 coverage or financing products available in this state.

1090 2. An insurer may only make one filing in any 12-month
1091 period under this paragraph.

1092 3. An insurer that elects to implement a rate change under
1093 this paragraph must file its rate filing with the office at
1094 least 45 days before the effective date of the rate change.
1095 After an insurer submits a complete filing that meets all of the
1096 requirements of this paragraph, the office has 45 days after the
1097 date of the filing to review the rate filing and determine if
1098 the rate is excessive, inadequate, or unfairly discriminatory.

1099
1100 The provisions of this subsection shall not apply to workers'
1101 compensation and employer's liability insurance and to motor
1102 vehicle insurance.

1103 (5) With respect to a rate filing involving coverage of
1104 the type for which the insurer is required to pay a
1105 reimbursement premium to the Florida Hurricane Catastrophe Fund,
1106 the insurer may fully recoup in its property insurance premiums
1107 any reimbursement premiums paid to the Florida Hurricane
1108 Catastrophe Fund, together with reasonable costs of other
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reinsurance, but except as otherwise provided in this section,
may not recoup reinsurance costs that duplicate coverage
provided by the Florida Hurricane Catastrophe Fund. An insurer
may not recoup more than 1 year of reimbursement premium at a
time. Any under-recoupment from the prior year may be added to
the following year's reimbursement premium and any over-
recoupment shall be subtracted from the following year's
reimbursement premium.

Section 8. Section 627.0621, Florida Statutes, is amended
to read:

627.0621 Transparency in rate regulation.--

(1) DEFINITIONS.--As used in this section, the term:

(a) "Rate filing" means any original or amended rate
residential property insurance filing.

(b) "Recommendation" means any proposed, preliminary, or
final recommendation from an office actuary reviewing a rate
filing with respect to the issue of approval or disapproval of
the rate filing or with respect to rate indications that the
office would consider acceptable.

(2) WEBSITE FOR PUBLIC ACCESS TO RATE FILING
INFORMATION.--

(a) With respect to any residential property rate filing
~~made on or after July 1, 2008,~~ the office shall provide the
following information on a publicly accessible Internet website:

1.-(a) The overall rate change requested by the insurer.

2. The rate change approved by the office along with all
of the actuary's assumptions and recommendations forming the
basis of the office's decision.

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1137 3. Certification by the office's actuary that, based on
1138 the actuary's knowledge, his or her recommendations are
1139 consistent with accepted actuarial principles.

1140 (b) For any rate filing, whether or not the filing is
1141 subject to a public hearing, the office shall provide on its
1142 website a means for any policyholder who may be affected by a
1143 proposed rate change to send an e-mail regarding the proposed
1144 rate change. Such e-mail must be accessible to the actuary
1145 assigned to review the rate filing.

1146 ~~(b) All assumptions made by the office's actuaries.~~

1147 ~~(c) A statement describing any assumptions or methods that~~
1148 ~~deviate from the actuarial standards of practice of the Casualty~~
1149 ~~Actuarial Society or the American Academy of Actuaries,~~
1150 ~~including an explanation of the nature, rationale, and effect of~~
1151 ~~the deviation.~~

1152 ~~(d) All recommendations made by any office actuary who~~
1153 ~~reviewed the rate filing.~~

1154 ~~(e) Certification by the office's actuary that, based on~~
1155 ~~the actuary's knowledge, his or her recommendations are~~
1156 ~~consistent with accepted actuarial principles.~~

1157 ~~(f) The overall rate change approved by the office.~~

1158 ~~(3) ATTORNEY-CLIENT PRIVILEGE; WORK PRODUCT. It is the~~
1159 ~~intent of the Legislature that the principles of the public~~
1160 ~~records and open meetings laws apply to the assertion of~~
1161 ~~attorney-client privilege and work product confidentiality by~~
1162 ~~the office in connection with a challenge to its actions on a~~
1163 ~~rate filing. Therefore, in any administrative or judicial~~
1164 ~~proceeding relating to a rate filing, attorney-client privilege~~

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~~and work product exemptions from disclosure do not apply to
communications with office attorneys or records prepared by or
at the direction of an office attorney, except when the
conditions of paragraphs (a) and (b) have been met:~~

~~(a) The communication or record reflects a mental
impression, conclusion, litigation strategy, or legal theory of
the attorney or office that was prepared exclusively for civil
or criminal litigation or adversarial administrative
proceedings.~~

~~(b) The communication occurred or the record was prepared
after the initiation of an action in a court of competent
jurisdiction, after the issuance of a notice of intent to deny a
rate filing, or after the filing of a request for a proceeding
under ss. 120.569 and 120.57.~~

Section 9. Paragraph (b) of subsection (1) and subsection
(5) of section 627.0629, Florida Statutes, are amended to read:
627.0629 Residential property insurance; rate filings.--

(1)

(b) By February 1, 2011, the Office of Insurance
Regulation, in consultation with the Department of Financial
Services and the Department of Community Affairs, shall develop
and make publicly available a proposed method for insurers to
establish discounts, credits, or other rate differentials for
hurricane mitigation measures which directly correlate to the
numerical rating assigned to a structure pursuant to the uniform
home grading scale adopted by the Financial Services Commission
pursuant to s. 215.55865, including any proposed changes to the
uniform home grading scale. By October 1, 2011, the commission
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shall adopt rules requiring insurers to make rate filings for residential property insurance which revise insurers' discounts, credits, or other rate differentials for hurricane mitigation measures so that such rate differentials correlate directly to the uniform home grading scale. The rules may include such changes to the uniform home grading scale as the commission determines are necessary, and may specify the minimum required discounts, credits, or other rate differentials. Such rate differentials must be consistent with generally accepted actuarial principles and wind-loss mitigation studies. The rules shall allow a period of at least 2 years after the effective date of the revised mitigation discounts, credits, or other rate differentials for a property owner to obtain an inspection or otherwise qualify for the revised credit, during which time the insurer shall continue to apply the mitigation credit that was applied immediately prior to the effective date of the revised credit. Discounts, credits, and other rate differentials established for rate filings under this paragraph shall supersede, after adoption, the discounts, credits, and other rate differentials included in rate filings under paragraph (a).

(5) In order to provide an appropriate transition period, an insurer may, in its sole discretion, implement an approved rate filing for residential property insurance over a period of years. An insurer electing to phase in its rate filing must provide an informational notice to the office setting out its schedule for implementation of the phased-in rate filing. An insurer may include in its rate the actual cost of private market reinsurance that corresponds to available coverage of the

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Temporary Increase in Coverage Limits, TICL, from the Florida Hurricane Catastrophe Fund. The insurer may also include the cost of reinsurance to replace the TICL reduction implemented pursuant to s. 215.555(17)(d)9. However, this cost for reinsurance may not include any expense or profit load or result in a total annual base rate increase in excess of 10 percent.

Section 10. Paragraphs (a), (c), (m), and (x) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.--

(6) CITIZENS PROPERTY INSURANCE CORPORATION.--

(a)1. It is the public purpose of this subsection to ensure the existence of an orderly market for property insurance for Floridians and Florida businesses. The Legislature finds that private insurers are unwilling or unable to provide affordable property insurance coverage in this state to the extent sought and needed. The absence of affordable property insurance threatens the public health, safety, and welfare and likewise threatens the economic health of the state. The state therefore has a compelling public interest and a public purpose to assist in assuring that property in the state is insured and that it is insured at affordable rates so as to facilitate the remediation, reconstruction, and replacement of damaged or destroyed property in order to reduce or avoid the negative effects otherwise resulting to the public health, safety, and welfare, to the economy of the state, and to the revenues of the state and local governments which are needed to provide for the public welfare. It is necessary, therefore, to provide

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1249 affordable property insurance to applicants who are in good
1250 faith entitled to procure insurance through the voluntary market
1251 but are unable to do so. The Legislature intends by this
1252 subsection that affordable property insurance be provided and
1253 that it continue to be provided, as long as necessary, through
1254 Citizens Property Insurance Corporation, a government entity
1255 that is an integral part of the state, and that is not a private
1256 insurance company. To that end, Citizens Property Insurance
1257 Corporation shall strive to increase the availability of
1258 affordable property insurance in this state, while achieving
1259 efficiencies and economies, and while providing service to
1260 policyholders, applicants, and agents which is no less than the
1261 quality generally provided in the voluntary market, for the
1262 achievement of the foregoing public purposes. Because it is
1263 essential for this government entity to have the maximum
1264 financial resources to pay claims following a catastrophic
1265 hurricane, it is the intent of the Legislature that Citizens
1266 Property Insurance Corporation continue to be an integral part
1267 of the state and that the income of the corporation be exempt
1268 from federal income taxation and that interest on the debt
1269 obligations issued by the corporation be exempt from federal
1270 income taxation.

1271 2. The Residential Property and Casualty Joint
1272 Underwriting Association originally created by this statute
1273 shall be known, as of July 1, 2002, as the Citizens Property
1274 Insurance Corporation. The corporation shall provide insurance
1275 for residential and commercial property, for applicants who are
1276 in good faith entitled, but are unable, to procure insurance

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1277 through the voluntary market. The corporation shall operate
1278 pursuant to a plan of operation approved by order of the
1279 Financial Services Commission. The plan is subject to continuous
1280 review by the commission. The commission may, by order, withdraw
1281 approval of all or part of a plan if the commission determines
1282 that conditions have changed since approval was granted and that
1283 the purposes of the plan require changes in the plan. The
1284 corporation shall continue to operate pursuant to the plan of
1285 operation approved by the Office of Insurance Regulation until
1286 October 1, 2006. For the purposes of this subsection,
1287 residential coverage includes both personal lines residential
1288 coverage, which consists of the type of coverage provided by
1289 homeowner's, mobile home owner's, dwelling, tenant's,
1290 condominium unit owner's, and similar policies, and commercial
1291 lines residential coverage, which consists of the type of
1292 coverage provided by condominium association, apartment
1293 building, and similar policies.

1294 3. Effective January 1, 2009, a personal lines residential
1295 structure that has a dwelling replacement cost of \$2 million or
1296 more, or a single condominium unit that has a combined dwelling
1297 and content replacement cost of \$2 million or more is not
1298 eligible for coverage by the corporation. Such dwellings insured
1299 by the corporation on December 31, 2008, may continue to be
1300 covered by the corporation until the end of the policy term.
1301 However, such dwellings that are insured by the corporation and
1302 become ineligible for coverage due to the provisions of this
1303 subparagraph may reapply and obtain coverage if the property
1304 owner provides the corporation with a sworn affidavit from one

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1305 or more insurance agents, on a form provided by the corporation,
1306 stating that the agents have made their best efforts to obtain
1307 coverage and that the property has been rejected for coverage by
1308 at least one authorized insurer and at least three surplus lines
1309 insurers. If such conditions are met, the dwelling may be
1310 insured by the corporation for up to 3 years, after which time
1311 the dwelling is ineligible for coverage. The office shall
1312 approve the method used by the corporation for valuing the
1313 dwelling replacement cost for the purposes of this subparagraph.
1314 If a policyholder is insured by the corporation prior to being
1315 determined to be ineligible pursuant to this subparagraph and
1316 such policyholder files a lawsuit challenging the determination,
1317 the policyholder may remain insured by the corporation until the
1318 conclusion of the litigation.

1319 4. It is the intent of the Legislature that policyholders,
1320 applicants, and agents of the corporation receive service and
1321 treatment of the highest possible level but never less than that
1322 generally provided in the voluntary market. It also is intended
1323 that the corporation be held to service standards no less than
1324 those applied to insurers in the voluntary market by the office
1325 with respect to responsiveness, timeliness, customer courtesy,
1326 and overall dealings with policyholders, applicants, or agents
1327 of the corporation.

1328 5. Effective January 1, 2009, a personal lines residential
1329 structure that is located in the "wind-borne debris region," as
1330 defined in s. 1609.2, International Building Code (2006), and
1331 that has an insured value on the structure of \$750,000 or more
1332 is not eligible for coverage by the corporation unless the

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1333 structure has opening protections as required under the Florida
1334 Building Code for a newly constructed residential structure in
1335 that area. A residential structure shall be deemed to comply
1336 with the requirements of this subparagraph if it has shutters or
1337 opening protections on all openings and if such opening
1338 protections complied with the Florida Building Code at the time
1339 they were installed. ~~Effective January 1, 2010, for personal~~
1340 ~~lines residential property insured by the corporation that is~~
1341 ~~located in the wind borne debris region and has an insured value~~
1342 ~~on the structure of \$500,000 or more, a prospective purchaser of~~
1343 ~~any such residential property must be provided by the seller a~~
1344 ~~written disclosure that contains the structure's windstorm~~
1345 ~~mitigation rating based on the uniform home grading scale~~
1346 ~~adopted under s. 215.55865. Such rating shall be provided to the~~
1347 ~~purchaser at or before the time the purchaser executes a~~
1348 ~~contract for sale and purchase.~~

1349 (c) The plan of operation of the corporation:

1350 1. Must provide for adoption of residential property and
1351 casualty insurance policy forms and commercial residential and
1352 nonresidential property insurance forms, which forms must be
1353 approved by the office prior to use. The corporation shall adopt
1354 the following policy forms:

1355 a. Standard personal lines policy forms that are
1356 comprehensive multiperil policies providing full coverage of a
1357 residential property equivalent to the coverage provided in the
1358 private insurance market under an HO-3, HO-4, or HO-6 policy.

1359 b. Basic personal lines policy forms that are policies
1360 similar to an HO-8 policy or a dwelling fire policy that provide
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coverage meeting the requirements of the secondary mortgage market, but which coverage is more limited than the coverage under a standard policy.

c. Commercial lines residential and nonresidential policy forms that are generally similar to the basic perils of full coverage obtainable for commercial residential structures and commercial nonresidential structures in the admitted voluntary market.

d. Personal lines and commercial lines residential property insurance forms that cover the peril of wind only. The forms are applicable only to residential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

e. Commercial lines nonresidential property insurance forms that cover the peril of wind only. The forms are applicable only to nonresidential properties located in areas eligible for coverage under the high-risk account referred to in sub-subparagraph (b)2.a.

f. The corporation may adopt variations of the policy forms listed in sub-subparagraphs a.-e. that contain more restrictive coverage.

2.a. Must provide that the corporation adopt a program in which the corporation and authorized insurers enter into quota share primary insurance agreements for hurricane coverage, as defined in s. 627.4025(2)(a), for eligible risks, and adopt property insurance forms for eligible risks which cover the peril of wind only. As used in this subsection, the term:

(I) "Quota share primary insurance" means an arrangement

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1389 in which the primary hurricane coverage of an eligible risk is
1390 provided in specified percentages by the corporation and an
1391 authorized insurer. The corporation and authorized insurer are
1392 each solely responsible for a specified percentage of hurricane
1393 coverage of an eligible risk as set forth in a quota share
1394 primary insurance agreement between the corporation and an
1395 authorized insurer and the insurance contract. The
1396 responsibility of the corporation or authorized insurer to pay
1397 its specified percentage of hurricane losses of an eligible
1398 risk, as set forth in the quota share primary insurance
1399 agreement, may not be altered by the inability of the other
1400 party to the agreement to pay its specified percentage of
1401 hurricane losses. Eligible risks that are provided hurricane
1402 coverage through a quota share primary insurance arrangement
1403 must be provided policy forms that set forth the obligations of
1404 the corporation and authorized insurer under the arrangement,
1405 clearly specify the percentages of quota share primary insurance
1406 provided by the corporation and authorized insurer, and
1407 conspicuously and clearly state that neither the authorized
1408 insurer nor the corporation may be held responsible beyond its
1409 specified percentage of coverage of hurricane losses.

1410 (II) "Eligible risks" means personal lines residential and
1411 commercial lines residential risks that meet the underwriting
1412 criteria of the corporation and are located in areas that were
1413 eligible for coverage by the Florida Windstorm Underwriting
1414 Association on January 1, 2002.

1415 b. The corporation may enter into quota share primary
1416 insurance agreements with authorized insurers at corporation

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coverage levels of 90 percent and 50 percent.

c. If the corporation determines that additional coverage levels are necessary to maximize participation in quota share primary insurance agreements by authorized insurers, the corporation may establish additional coverage levels. However, the corporation's quota share primary insurance coverage level may not exceed 90 percent.

d. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation must provide for a uniform specified percentage of coverage of hurricane losses, by county or territory as set forth by the corporation board, for all eligible risks of the authorized insurer covered under the quota share primary insurance agreement.

e. Any quota share primary insurance agreement entered into between an authorized insurer and the corporation is subject to review and approval by the office. However, such agreement shall be authorized only as to insurance contracts entered into between an authorized insurer and an insured who is already insured by the corporation for wind coverage.

f. For all eligible risks covered under quota share primary insurance agreements, the exposure and coverage levels for both the corporation and authorized insurers shall be reported by the corporation to the Florida Hurricane Catastrophe Fund. For all policies of eligible risks covered under quota share primary insurance agreements, the corporation and the authorized insurer shall maintain complete and accurate records for the purpose of exposure and loss reimbursement audits as

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required by Florida Hurricane Catastrophe Fund rules. The corporation and the authorized insurer shall each maintain duplicate copies of policy declaration pages and supporting claims documents.

g. The corporation board shall establish in its plan of operation standards for quota share agreements which ensure that there is no discriminatory application among insurers as to the terms of quota share agreements, pricing of quota share agreements, incentive provisions if any, and consideration paid for servicing policies or adjusting claims.

h. The quota share primary insurance agreement between the corporation and an authorized insurer must set forth the specific terms under which coverage is provided, including, but not limited to, the sale and servicing of policies issued under the agreement by the insurance agent of the authorized insurer producing the business, the reporting of information concerning eligible risks, the payment of premium to the corporation, and arrangements for the adjustment and payment of hurricane claims incurred on eligible risks by the claims adjuster and personnel of the authorized insurer. Entering into a quota sharing insurance agreement between the corporation and an authorized insurer shall be voluntary and at the discretion of the authorized insurer.

3. May provide that the corporation may employ or otherwise contract with individuals or other entities to provide administrative or professional services that may be appropriate to effectuate the plan. The corporation shall have the power to borrow funds, by issuing bonds or by incurring other

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1473 indebtedness, and shall have other powers reasonably necessary
1474 to effectuate the requirements of this subsection, including,
1475 without limitation, the power to issue bonds and incur other
1476 indebtedness in order to refinance outstanding bonds or other
1477 indebtedness. The corporation may, but is not required to, seek
1478 judicial validation of its bonds or other indebtedness under
1479 chapter 75. The corporation may issue bonds or incur other
1480 indebtedness, or have bonds issued on its behalf by a unit of
1481 local government pursuant to subparagraph (p)2., in the absence
1482 of a hurricane or other weather-related event, upon a
1483 determination by the corporation, subject to approval by the
1484 office, that such action would enable it to efficiently meet the
1485 financial obligations of the corporation and that such
1486 financings are reasonably necessary to effectuate the
1487 requirements of this subsection. The corporation is authorized
1488 to take all actions needed to facilitate tax-free status for any
1489 such bonds or indebtedness, including formation of trusts or
1490 other affiliated entities. The corporation shall have the
1491 authority to pledge assessments, projected recoveries from the
1492 Florida Hurricane Catastrophe Fund, other reinsurance
1493 recoverables, market equalization and other surcharges, and
1494 other funds available to the corporation as security for bonds
1495 or other indebtedness. In recognition of s. 10, Art. I of the
1496 State Constitution, prohibiting the impairment of obligations of
1497 contracts, it is the intent of the Legislature that no action be
1498 taken whose purpose is to impair any bond indenture or financing
1499 agreement or any revenue source committed by contract to such
1500 bond or other indebtedness.

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1501 4.a. Must require that the corporation operate subject to
1502 the supervision and approval of a board of governors consisting
1503 of eight individuals who are residents of this state, from
1504 different geographical areas of this state. The Governor, the
1505 Chief Financial Officer, the President of the Senate, and the
1506 Speaker of the House of Representatives shall each appoint two
1507 members of the board. At least one of the two members appointed
1508 by each appointing officer must have demonstrated expertise in
1509 insurance. The Chief Financial Officer shall designate one of
1510 the appointees as chair. All board members serve at the pleasure
1511 of the appointing officer. All members of the board of governors
1512 are subject to removal at will by the officers who appointed
1513 them. All board members, including the chair, must be appointed
1514 to serve for 3-year terms beginning annually on a date
1515 designated by the plan. However, for the first term beginning on
1516 or after July 1, 2009, each appointing officer shall appoint one
1517 member of the board for a 2-year term and one member for a 3-
1518 year term. Any board vacancy shall be filled for the unexpired
1519 term by the appointing officer. The Chief Financial Officer
1520 shall appoint a technical advisory group to provide information
1521 and advice to the board of governors in connection with the
1522 board's duties under this subsection. The executive director and
1523 senior managers of the corporation shall be engaged by the board
1524 and serve at the pleasure of the board. Any executive director
1525 appointed on or after July 1, 2006, is subject to confirmation
1526 by the Senate. The executive director is responsible for
1527 employing other staff as the corporation may require, subject to
1528 review and concurrence by the board.

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1529 b. The board shall create a Market Accountability Advisory
1530 Committee to assist the corporation in developing awareness of
1531 its rates and its customer and agent service levels in
1532 relationship to the voluntary market insurers writing similar
1533 coverage. The members of the advisory committee shall consist of
1534 the following 11 persons, one of whom must be elected chair by
1535 the members of the committee: four representatives, one
1536 appointed by the Florida Association of Insurance Agents, one by
1537 the Florida Association of Insurance and Financial Advisors, one
1538 by the Professional Insurance Agents of Florida, and one by the
1539 Latin American Association of Insurance Agencies; three
1540 representatives appointed by the insurers with the three highest
1541 voluntary market share of residential property insurance
1542 business in the state; one representative from the Office of
1543 Insurance Regulation; one consumer appointed by the board who is
1544 insured by the corporation at the time of appointment to the
1545 committee; one representative appointed by the Florida
1546 Association of Realtors; and one representative appointed by the
1547 Florida Bankers Association. All members must serve for 3-year
1548 terms and may serve for consecutive terms. The committee shall
1549 report to the corporation at each board meeting on insurance
1550 market issues which may include rates and rate competition with
1551 the voluntary market; service, including policy issuance, claims
1552 processing, and general responsiveness to policyholders,
1553 applicants, and agents; and matters relating to depopulation.

1554 5. Must provide a procedure for determining the
1555 eligibility of a risk for coverage, as follows:

1556 a. Subject to the provisions of s. 627.3517, with respect
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1557 to personal lines residential risks, if the risk is offered
1558 coverage from an authorized insurer at the insurer's approved
1559 rate under either a standard policy including wind coverage or,
1560 if consistent with the insurer's underwriting rules as filed
1561 with the office, a basic policy including wind coverage, for a
1562 new application to the corporation for coverage, the risk is not
1563 eligible for any policy issued by the corporation unless the
1564 premium for coverage from the authorized insurer is more than 15
1565 percent greater than the premium for comparable coverage from
1566 the corporation. If the risk is not able to obtain any such
1567 offer, the risk is eligible for either a standard policy
1568 including wind coverage or a basic policy including wind
1569 coverage issued by the corporation; however, if the risk could
1570 not be insured under a standard policy including wind coverage
1571 regardless of market conditions, the risk shall be eligible for
1572 a basic policy including wind coverage unless rejected under
1573 subparagraph 8. However, with regard to a policyholder of the
1574 corporation or a policyholder removed from the corporation
1575 through an assumption agreement until the end of the assumption
1576 period, the policyholder remains eligible for coverage from the
1577 corporation regardless of any offer of coverage from an
1578 authorized insurer or surplus lines insurer. The corporation
1579 shall determine the type of policy to be provided on the basis
1580 of objective standards specified in the underwriting manual and
1581 based on generally accepted underwriting practices.

1582 (I) If the risk accepts an offer of coverage through the
1583 market assistance plan or an offer of coverage through a
1584 mechanism established by the corporation before a policy is

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issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who submitted the application to the plan or to the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the

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corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

b. With respect to commercial lines residential risks, for a new application to the corporation for coverage, if the risk is offered coverage under a policy including wind coverage from an authorized insurer at its approved rate, the risk is not eligible for any policy issued by the corporation unless the premium for coverage from the authorized insurer is more than 15 percent greater than the premium for comparable coverage from the corporation. If the risk is not able to obtain any such offer, the risk is eligible for a policy including wind coverage issued by the corporation. However, with regard to a policyholder of the corporation or a policyholder removed from the corporation through an assumption agreement until the end of the assumption period, the policyholder remains eligible for coverage from the corporation regardless of any offer of coverage from an authorized insurer or surplus lines insurer.

(I) If the risk accepts an offer of coverage through the market assistance plan or an offer of coverage through a mechanism established by the corporation before a policy is issued to the risk by the corporation or during the first 30 days of coverage by the corporation, and the producing agent who

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submitted the application to the plan or the corporation is not currently appointed by the insurer, the insurer shall:

(A) Pay to the producing agent of record of the policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater of the insurer's or the corporation's usual and customary commission for the type of policy written.

If the producing agent is unwilling or unable to accept appointment, the new insurer shall pay the agent in accordance with sub-sub-sub-subparagraph (A).

(II) When the corporation enters into a contractual agreement for a take-out plan, the producing agent of record of the corporation policy is entitled to retain any unearned commission on the policy, and the insurer shall:

(A) Pay to the producing agent of record of the corporation policy, for the first year, an amount that is the greater of the insurer's usual and customary commission for the type of policy written or a fee equal to the usual and customary commission of the corporation; or

(B) Offer to allow the producing agent of record of the corporation policy to continue servicing the policy for a period of not less than 1 year and offer to pay the agent the greater

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of the insurer's or the corporation's usual and customary
commission for the type of policy written.

If the producing agent is unwilling or unable to accept
appointment, the new insurer shall pay the agent in accordance
with sub-sub-sub-subparagraph (A).

c. For purposes of determining comparable coverage under
sub-subparagraphs a. and b., the comparison shall be based on
those forms and coverages that are reasonably comparable. The
corporation may rely on a determination of comparable coverage
and premium made by the producing agent who submits the
application to the corporation, made in the agent's capacity as
the corporation's agent. A comparison may be made solely of the
premium with respect to the main building or structure only on
the following basis: the same coverage A or other building
limits; the same percentage hurricane deductible that applies on
an annual basis or that applies to each hurricane for commercial
residential property; the same percentage of ordinance and law
coverage, if the same limit is offered by both the corporation
and the authorized insurer; the same mitigation credits, to the
extent the same types of credits are offered both by the
corporation and the authorized insurer; the same method for loss
payment, such as replacement cost or actual cash value, if the
same method is offered both by the corporation and the
authorized insurer in accordance with underwriting rules; and
any other form or coverage that is reasonably comparable as
determined by the board. If an application is submitted to the
corporation for wind-only coverage in the high-risk account, the

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1697 premium for the corporation's wind-only policy plus the premium
1698 for the ex-wind policy that is offered by an authorized insurer
1699 to the applicant shall be compared to the premium for multiperil
1700 coverage offered by an authorized insurer, subject to the
1701 standards for comparison specified in this subparagraph. If the
1702 corporation or the applicant requests from the authorized
1703 insurer a breakdown of the premium of the offer by types of
1704 coverage so that a comparison may be made by the corporation or
1705 its agent and the authorized insurer refuses or is unable to
1706 provide such information, the corporation may treat the offer as
1707 not being an offer of coverage from an authorized insurer at the
1708 insurer's approved rate.

1709 6. Must include rules for classifications of risks and
1710 rates therefor.

1711 7. Must provide that if premium and investment income for
1712 an account attributable to a particular calendar year are in
1713 excess of projected losses and expenses for the account
1714 attributable to that year, such excess shall be held in surplus
1715 in the account. Such surplus shall be available to defray
1716 deficits in that account as to future years and shall be used
1717 for that purpose prior to assessing assessable insurers and
1718 assessable insureds as to any calendar year.

1719 8. Must provide objective criteria and procedures to be
1720 uniformly applied for all applicants in determining whether an
1721 individual risk is so hazardous as to be uninsurable. In making
1722 this determination and in establishing the criteria and
1723 procedures, the following shall be considered:

1724 a. Whether the likelihood of a loss for the individual
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1725 risk is substantially higher than for other risks of the same
1726 class; and

1727 b. Whether the uncertainty associated with the individual
1728 risk is such that an appropriate premium cannot be determined.

1729
1730 The acceptance or rejection of a risk by the corporation shall
1731 be construed as the private placement of insurance, and the
1732 provisions of chapter 120 shall not apply.

1733 9. Must provide that the corporation shall make its best
1734 efforts to procure catastrophe reinsurance at reasonable rates,
1735 to cover its projected 100-year probable maximum loss as
1736 determined by the board of governors.

1737 10. The policies issued by the corporation must provide
1738 that, if the corporation or the market assistance plan obtains
1739 an offer from an authorized insurer to cover the risk at its
1740 approved rates, the risk is no longer eligible for renewal
1741 through the corporation, except as otherwise provided in this
1742 subsection.

1743 11. Corporation policies and applications must include a
1744 notice that the corporation policy could, under this section, be
1745 replaced with a policy issued by an authorized insurer that does
1746 not provide coverage identical to the coverage provided by the
1747 corporation. The notice shall also specify that acceptance of
1748 corporation coverage creates a conclusive presumption that the
1749 applicant or policyholder is aware of this potential.

1750 12. May establish, subject to approval by the office,
1751 different eligibility requirements and operational procedures
1752 for any line or type of coverage for any specified county or
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1753 area if the board determines that such changes to the
1754 eligibility requirements and operational procedures are
1755 justified due to the voluntary market being sufficiently stable
1756 and competitive in such area or for such line or type of
1757 coverage and that consumers who, in good faith, are unable to
1758 obtain insurance through the voluntary market through ordinary
1759 methods would continue to have access to coverage from the
1760 corporation. When coverage is sought in connection with a real
1761 property transfer, such requirements and procedures shall not
1762 provide for an effective date of coverage later than the date of
1763 the closing of the transfer as established by the transferor,
1764 the transferee, and, if applicable, the lender.

1765 13. Must provide that, with respect to the high-risk
1766 account, any assessable insurer with a surplus as to
1767 policyholders of \$25 million or less writing 25 percent or more
1768 of its total countrywide property insurance premiums in this
1769 state may petition the office, within the first 90 days of each
1770 calendar year, to qualify as a limited apportionment company. A
1771 regular assessment levied by the corporation on a limited
1772 apportionment company for a deficit incurred by the corporation
1773 for the high-risk account in 2006 or thereafter may be paid to
1774 the corporation on a monthly basis as the assessments are
1775 collected by the limited apportionment company from its insureds
1776 pursuant to s. 627.3512, but the regular assessment must be paid
1777 in full within 12 months after being levied by the corporation.
1778 A limited apportionment company shall collect from its
1779 policyholders any emergency assessment imposed under sub-
1780 subparagraph (b)3.d. The plan shall provide that, if the office
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determines that any regular assessment will result in an impairment of the surplus of a limited apportionment company, the office may direct that all or part of such assessment be deferred as provided in subparagraph (p)4. However, there shall be no limitation or deferment of an emergency assessment to be collected from policyholders under sub-subparagraph (b)3.d.

14. Must provide that the corporation appoint as its licensed agents only those agents who also hold an appointment as defined in s. 626.015(3) with an insurer who at the time of the agent's initial appointment by the corporation is authorized to write and is actually writing personal lines residential property coverage, commercial residential property coverage, or commercial nonresidential property coverage within the state.

15. Must provide, by July 1, 2007, a premium payment plan option to its policyholders which allows at a minimum for quarterly and semiannual payment of premiums. A monthly payment plan may, but is not required to, be offered.

16. Must limit coverage on mobile homes or manufactured homes built prior to 1994 to actual cash value of the dwelling rather than replacement costs of the dwelling.

17. May provide such limits of coverage as the board determines, consistent with the requirements of this subsection.

18. May require commercial property to meet specified hurricane mitigation construction features as a condition of eligibility for coverage.

(m)1. Rates for coverage provided by the corporation shall be actuarially sound and subject to the requirements of s. 627.062, except as otherwise provided in this paragraph. The

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1809 corporation shall file its recommended rates with the office at
1810 least annually. The corporation shall provide any additional
1811 information regarding the rates which the office requires. The
1812 office shall consider the recommendations of the board and issue
1813 a final order establishing the rates for the corporation within
1814 45 days after the recommended rates are filed. The corporation
1815 may not pursue an administrative challenge or judicial review of
1816 the final order of the office.

1817 2. In addition to the rates otherwise determined pursuant
1818 to this paragraph, the corporation shall impose and collect an
1819 amount equal to the premium tax provided for in s. 624.509 to
1820 augment the financial resources of the corporation.

1821 3. After the public hurricane loss-projection model under
1822 s. 627.06281 has been found to be accurate and reliable by the
1823 Florida Commission on Hurricane Loss Projection Methodology,
1824 that model shall serve as the minimum benchmark for determining
1825 the windstorm portion of the corporation's rates. This
1826 subparagraph does not require or allow the corporation to adopt
1827 rates lower than the rates otherwise required or allowed by this
1828 paragraph.

1829 4. The rate filings for the corporation which were
1830 approved by the office and which took effect January 1, 2007,
1831 are rescinded, except for those rates that were lowered. As soon
1832 as possible, the corporation shall begin using the lower rates
1833 that were in effect on December 31, 2006, and shall provide
1834 refunds to policyholders who have paid higher rates as a result
1835 of that rate filing. The rates in effect on December 31, 2006,
1836 shall remain in effect for the 2007 and 2008 calendar years

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except for any rate change that results in a lower rate. The next rate change that may increase rates shall take effect pursuant to a new rate filing recommended by the corporation and established by the office, subject to the requirements of this paragraph.

5. Beginning on July 15, 2009, and each year thereafter, the corporation must make a recommended actuarially sound rate filing for each personal and commercial line of business it writes, to be effective no earlier than January 1, 2010.

6. Beginning on or after January 1, 2010, and notwithstanding the board's recommended rates and the office's final order regarding the corporation's filed rates under subparagraph 1., the corporation shall implement a rate increase each year which does not exceed 10 percent for any single policy issued by the corporation, excluding coverage changes and surcharges.

7. The corporation may also implement an increase to reflect the effect on the corporation of the cash buildup factor pursuant to s. 215.555(5) (b).

8. The corporation's implementation of rates as prescribed in subparagraph 6. shall cease for any line of business written by the corporation upon the corporation's implementation of actuarially sound rates. Thereafter, the corporation shall annually make a recommended actuarially sound rate filing for each commercial and personal line of business the corporation writes.

(x) It is the intent of the Legislature that the amendments to this subsection enacted in 2002 should, over time,

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reduce the probable maximum windstorm losses in the residual markets and should reduce the potential assessments to be levied on property insurers and policyholders statewide. In furtherance of this intent:

1. The board shall, on or before February 1 of each year, provide a report to the President of the Senate and the Speaker of the House of Representatives showing the reduction or increase in the 100-year probable maximum loss attributable to wind-only coverages and the quota share program under this subsection combined, as compared to the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association. For purposes of this paragraph, the benchmark 100-year probable maximum loss of the Florida Windstorm Underwriting Association shall be the calculation dated February 2001 and based on November 30, 2000, exposures. In order to ensure comparability of data, the board shall use the same methods for calculating its probable maximum loss as were used to calculate the benchmark probable maximum loss.

2. Beginning December 1, 2010 ~~February 1, 2010~~, if the report under subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 25 percent from the benchmark, the board shall reduce the boundaries of the high-risk area eligible for wind-only coverages under this subsection in a manner calculated to reduce such probable maximum loss to an amount at least 25 percent below the benchmark.

3. Beginning February 1, 2015, if the report under

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subparagraph 1. for any year indicates that the 100-year probable maximum loss attributable to wind-only coverages and the quota share program combined does not reflect a reduction of at least 50 percent from the benchmark, the boundaries of the high-risk area eligible for wind-only coverages under this subsection shall be reduced by the elimination of any area that is not seaward of a line 1,000 feet inland from the Intracoastal Waterway.

Section 11. Section 627.3512, Florida Statutes, is amended to read:

627.3512 Recoupment of residual market deficit assessments.--

(1) The Legislature finds and declares that all assessments paid by an insurer or insurer group as a result of a levy by any residual market entity, including regular assessments levied on insurers by Citizens Property Insurance Corporation and any other assessments levied on insurers by an insurance risk apportionment plan or assigned risk plan under s. 627.311 or s. 627.351 constitute advances of funds from the insurer to the residual market entity, and that the insurer is entitled to fully recoup such advances. An insurer or insurer group may recoup any assessments that have been paid during or after 1995 by the insurer or insurer group to defray deficits of an insurance risk apportionment plan or assigned risk plan under ss. 627.311 and 627.351, net of any earnings returned to the insurer or insurer group by the association or plan for any year after 1993. A limited apportionment company as defined in s. 627.351(6)(c) may recoup any regular assessment that has been

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levied by, or paid to, Citizens Property Insurance Corporation.

(2) The recoupment shall be made by applying a separate recoupment ~~assessment~~ factor on policies of the same line or type as were considered by the residual markets in determining the assessment liability of the insurer or insurer group. An insurer or insurer group shall calculate a separate assessment factor for personal lines and commercial lines. The separate assessment factor shall provide for full recoupment of the assessments over a period of 1 year, unless the insurer or insurer group, at its option, elects to recoup the assessments over a longer period. The assessment factor expires upon collection of the full amount allowed to be recouped. Amounts recouped under this section are not subject to premium taxes, fees, or commissions.

(3)~~(2)~~ The recoupment ~~assessment~~ factor may ~~must~~ not be more than 3 percentage points above the ratio of the deficit assessment to the Florida direct written premium for policies for the lines or types of business as to which the assessment was calculated, as written in the year the deficit assessment was paid. If an insurer or insurer group does not ~~fails to~~ collect the full amount of the deficit assessment during one 12-month period, the insurer or insurer group may apply recalculated recoupment factors to policies issued or renewed during one or more succeeding 12-month periods ~~must carry forward the amount of the deficit and adjust the deficit assessment to be recouped in a subsequent year by that amount.~~

(4)~~(3)~~ The insurer or insurer group shall file with the office a statement for informational purposes only setting forth

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the amount of the recoupment ~~assessment~~ factor and an explanation of how the factor will be applied, at least 15 days prior to the factor being applied to any policies. The informational statement shall include documentation of the assessment paid by the insurer or insurer group and the arithmetic calculations supporting the recoupment ~~assessment~~ factor. ~~The office shall complete its review within 15 days after receipt of the filing and shall limit its review to verification of the arithmetic calculations.~~ The insurer or insurer group may use the recoupment ~~assessment~~ factor at any time after the expiration of the 15-day period ~~unless the office has notified the insurer or insurer group in writing that the arithmetic calculations are incorrect.~~ The recoupment factor shall apply to all policies described in subsection (3) that are issued or renewed by the insurer or insurer group during a 12-month period. If full recoupment requires the insurer or insurer group to apply a recoupment factor over a subsequent 12-month period, the insurer or insurer group must file a supplemental informational statement pursuant to this subsection.

(5) No later than 90 days after the insurer or insurer group has completed the recoupment process, it shall file with the office a final accounting report documenting the recoupment. The report shall provide the amounts of assessments paid by the insurer or insurer group, the amounts and percentages recouped by year from each affected line of business, and the direct written premium subject to recoupment by year.

(6) ~~(4)~~ The commission may adopt rules to implement this section.

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Section 12. Subsection (2) of section 627.711, Florida Statutes, is amended, and subsection (3) is added to that section, to read:

627.711 Notice of premium discounts for hurricane loss mitigation; uniform mitigation verification inspection form.--

(2) By July 1, 2007, the Financial Services Commission shall develop by rule a uniform mitigation verification inspection form that shall be used by all insurers when submitted by policyholders for the purpose of factoring discounts for wind insurance. In developing the form, the commission shall seek input from insurance, construction, and building code representatives. Further, the commission shall provide guidance as to the length of time the inspection results are valid. An insurer shall accept as valid a uniform mitigation verification form certified by the Department of Financial Services or signed by:

(a) A hurricane mitigation inspector certified ~~employed by the an approved My Safe Florida Home program wind certification entity;~~

(b) A building code inspector certified under s. 468.607;

(c) A general, building, or residential contractor licensed under s. 489.111;

(d) A professional engineer licensed under s. 471.015 who has passed the appropriate equivalency test of the Building Code Training Program as required by s. 553.841; ~~or~~

(e) A professional architect licensed under s. 481.213; or

(f) Any other individual or entity recognized by the insurer as possessing the necessary qualifications to properly

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complete a uniform mitigation verification form.

(3) An individual or entity who knowingly provides or utters a false or fraudulent mitigation verification form with the intent to obtain or receive a discount on an insurance premium to which the individual or entity is not entitled commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 13. Subsections (1) and (2) of section 627.712, Florida Statutes, are amended to read:

627.712 Residential windstorm coverage required; availability of exclusions for windstorm or contents.--

(1) An insurer issuing a residential property insurance policy must provide windstorm coverage. Except as provided in paragraph (2)(c), this section does not apply with respect to risks that are eligible for wind-only coverage from Citizens Property Insurance Corporation under s. 627.351(6), and with respect to risks that are not eligible for coverage from Citizens Property Insurance Corporation under s. 627.351(6)(a)3. or s. 627.351(6)(a)5. A risk ineligible for Citizens coverage under s. 627.351(6)(a)3. or s. 627.351(6)(a)5. is exempt from the requirements of this section only if the risk is located within the boundaries of the high-risk account of the corporation.

(2) A property insurer must make available, at the option of the policyholder, an exclusion of windstorm coverage.

(a) The coverage may be excluded only if:

1. When the policyholder is a natural person, the policyholder personally writes and provides to the insurer the

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following statement in his or her own handwriting and signs his or her name, which must also be signed by every other named insured on the policy, and dated: "I do not want the insurance on my (home/mobile home/condominium unit) to pay for damage from windstorms. I will pay those costs. My insurance will not."

2. When the policyholder is other than a natural person, the policyholder provides to the insurer on the policyholder's letterhead the following statement that must be signed by the policyholder's authorized representative and dated: "... (Name of entity)... does not want the insurance on its ... (type of structure)... to pay for damage from windstorms. ... (Name of entity)... will be responsible for these costs. ... (Name of entity's)... insurance will not."

(b) If the structure insured by the policy is subject to a mortgage or lien, the policyholder must provide the insurer with a written statement from the mortgageholder or lienholder indicating that the mortgageholder or lienholder approves the policyholder electing to exclude windstorm coverage or hurricane coverage from his or her or its property insurance policy.

~~(c) If the residential structure is eligible for wind only coverage from Citizens Property Insurance Corporation, An~~
insurer nonrenewing a policy and issuing a replacement policy, or issuing a new policy, that does not provide wind coverage shall provide a notice to the mortgageholder or lienholder indicating the policyholder has elected coverage that does not cover wind.

Section 14. Section 631.65, Florida Statutes, is amended to read:

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2061 631.65 Prohibited advertisement or solicitation.--No
2062 person shall make, publish, disseminate, circulate, or place
2063 before the public, or cause, directly or indirectly, to be made,
2064 published, disseminated, circulated, or placed before the
2065 public, in a newspaper, magazine, or other publication, or in
2066 the form of a notice, circular, pamphlet, letter, or poster, or
2067 over any radio station or television station, or in any other
2068 way, any advertisement, announcement, or statement which uses
2069 the existence of the insurance guaranty association for the
2070 purpose of sales, solicitation, or inducement to purchase any
2071 form of insurance covered under this part. However, this section
2072 does not prohibit a duly licensed insurance agent from
2073 explaining the existence or function of the insurance guaranty
2074 association to policyholders, prospects, or applicants for
2075 coverage.

2076 Section 15. By February 1, 2010, the Office of Program
2077 Policy Analysis and Government Accountability shall submit a
2078 report to the Speaker of the House of Representatives, the
2079 President of the Senate, the Commissioner of Insurance, the
2080 Chief Financial Officer, and the Governor reviewing the laws
2081 governing public adjusters as defined in s. 626.854, Florida
2082 Statutes. The report shall include a review of relevant Citizens
2083 Property Insurance Corporation claims and statistics involving
2084 public adjusters, public adjuster claims submission practices,
2085 and a review of the laws of this state and rules governing
2086 public adjusters. The report shall also review state laws
2087 governing public adjusters throughout the United States. The
2088 review shall encompass a review of both catastrophe and

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noncatastrophe related claims, with a specific focus on new and supplemental or reopened catastrophe claims originated in 2009 which relate to hurricanes that occurred in 2004 and 2005. The study shall review the effects on consumers of the laws of this state relating to public adjusters.

Section 16. Subsection (4) is added to section 627.0628, Florida Statutes, to read:

627.0628 Florida Commission on Hurricane Loss Projection Methodology; public records exemption; public meetings exemption.--

(4) REVIEW OF DISCOUNTS, CREDITS, OTHER RATE DIFFERENTIALS, AND REDUCTIONS IN DEDUCTIBLES RELATING TO WINDSTORM MITIGATION.--The commission shall hold public meetings for the purpose of receiving testimony and data regarding the implementation of windstorm mitigation discounts, credits, other rate differentials, and appropriate reductions in deductibles pursuant to s. 627.0629. After reviewing the testimony and data as well as any other information the commission deems appropriate, the commission shall present a report by February 1, 2010, to the Governor, the Cabinet, the President of the Senate, and the Speaker of the House of Representatives, including recommendations on improving the process of assessing, determining, and applying windstorm mitigation discounts, credits, other rate differentials, and appropriate reductions in deductibles pursuant to s. 627.0629.

Section 17. Subsection (7) is added to section 624.46226, Florida Statutes, to read:

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624.46226 Public housing authorities self-insurance funds;
exemption for taxation and assessments.--

(7) Reinsurance companies complying with s. 624.610 may
issue coverage directly to a public housing authority self-
insuring its liabilities under this section. A public housing
authority purchasing reinsurance shall be considered an insurer
for the sole purpose of entering into such reinsurance
contracts. Contracts of reinsurance issued to public housing
authorities self-insuring under this section shall receive the
same tax treatment as reinsurance contracts issued to insurance
companies. However, the purchase of reinsurance coverage by a
public housing authority self-insuring under this section shall
not be construed as authorization to otherwise act as an
insurer.

Section 18. This act shall take effect upon becoming a
law.

T I T L E A M E N D M E N T

Remove lines 2194-2334 and insert:

An act relating to property insurance; amending s. 215.555,
F.S.; revising the dates of an insurer's contract year for
purposes of calculating the insurer's retention; requiring the
State Board of Administration to offer an additional amount of
reimbursement coverage to certain insurers that purchased
coverage during a certain calendar year; requiring an insurer
that purchases certain coverage to retain an amount equal to a
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2144 percentage of the insurer's surplus on a certain date; providing
2145 that an insurer's retention will apply along with a mandatory
2146 coverage after an optional coverage is exhausted; revising an
2147 expiration date on the requirement for the State Board of
2148 Administration to offer certain optional coverage to insurers;
2149 requiring the State Board of Administration to publish a
2150 statement of the estimated claims-paying capacity of the
2151 Hurricane Catastrophe Fund; authorizing the State Board of
2152 Administration to reimburse insurers based on a formula related
2153 to the claims-paying capacity of the Hurricane Catastrophe Fund;
2154 requiring the formula to determine an actuarially indicated
2155 premium to include specified cash build-up factors; authorizing
2156 the State Board of Administration to require insurers to
2157 notarize documents submitted to the board; authorizing insurers
2158 to purchase temporary increased coverage limit for certain
2159 future hurricane seasons; providing that a cash build-up factor
2160 does not apply to temporary increased coverage limit premiums;
2161 providing dates on which the claims-paying capacity of the fund
2162 will increase; deleting authority for the State Board of
2163 Administration to increase the claims-paying capacity of the
2164 Hurricane Catastrophe Fund; amending s. 215.5586, F.S.; revising
2165 legislative intent; revising criteria for hurricane mitigation
2166 inspections; revising criteria for eligibility for a mitigation
2167 grant; expanding the list of improvements for which grants may
2168 be used; correcting a reference to the Florida Division of
2169 Emergency Management; deleting provisions relating to no-
2170 interest loans; requiring that contracts valued at or greater
2171 than a specified amount be subject to review and approval of the
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Legislative Budget Commission; amending s. 626.854, F.S.; prohibiting a public adjuster from accepting referrals for compensation from a person with whom the public adjuster conducts business; prohibiting a public adjuster from compensating a person other than a public adjuster for referrals; amending s. 627.7011, F.S.; providing that an insurer may repair damaged property in compliance with its policy; amending s. 626.865, F.S.; deleting a requirement that an applicant for a license as a public adjuster pass a written examination as a prerequisite to licensure; amending s. 626.8651, F.S.; requiring an applicant for a public adjuster apprentice license to pass a written exam and receive an Accredited Claims Adjuster designation and related training before licensure; limiting the number of public adjuster apprentices that may be maintained by a single public adjusting firm or supervised by a public adjuster; amending s. 627.062, F.S.; extending the period for which an insurer seeking a residential property insurance rate that is greater than the rate most recently approved by the Office of Insurance Regulation must make a "file and use" filing; authorizing insurers to make separate filings for certain rate adjustments and costs; specifying limitations; providing procedural requirements; requiring the office to review the filing within a specified time for certain purposes; amending s. 627.0621, F.S.; requiring that the Office of Insurance Regulation provide certain information regarding any residential property rate filing on a publicly accessible Internet website; requiring that the office provide a means on its website for certain persons to

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submit e-mail regarding any rate filing; requiring that such e-mail be accessible by the actuary assigned to review the subject rate filing; deleting a limitation on the application of the attorney-client privilege and work product doctrine in challenges to actions by the Office of Insurance Regulation relating to rate filings; amending s. 627.0629, F.S.; requiring certain hurricane mitigation measure discounts, credits, and rate differentials to supersede certain other discounts, credits, and rate differentials; authorizing an insurer to include in its rates the actual cost of certain reinsurance; amending s. 627.351, F.S.; deleting a provision requiring a seller of certain residential property to disclose the structure's windstorm mitigation rating to the prospective purchaser of the property; providing for members of the board of governors of Citizens Property Insurance Corporation to serve staggered terms; requiring Citizen's Property Insurance Corporation to implement rate increases until the implementation of actuarially sound rates; revising the date after which the State Board of Administration is required to reduce the boundaries of high-risk areas eligible for wind-only coverages under certain circumstances; amending s. 627.3512, F.S.; providing legislative findings; providing for the recoupment of residual market assessments paid by insurers or insurer groups; limiting the amount of a recoupment factor; authorizing an insurer to apply recalculated recoupment factors to policies issued or renewed during specified periods under certain circumstances; requiring that insurers or insurer groups file a statement setting forth certain information; providing for the

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2228 application of recoupment factors to certain policies upon
2229 issuance or renewal; requiring that insurers or insurer groups
2230 file a supplemental statement under certain circumstances;
2231 requiring that such entities file a final accounting report
2232 documenting certain information within a specified period after
2233 the completion of the recoupment process; requiring that such
2234 report provide certain information; amending s. 627.711, F.S.;
2235 requiring that an insurer accept as valid a uniform mitigation
2236 verification form certified by the Department of Financial
2237 Services or signed by certain individuals or entities; providing
2238 a criminal penalty for knowingly submitting a false or
2239 fraudulent mitigation form with the intent to receive an
2240 undeserved discount; amending s. 627.712, F.S.; revising the
2241 properties for which an insurer must make policies available
2242 which exclude windstorm coverage; amending s. 631.65, F.S.;
2243 providing that an insurance agent is not prohibited from
2244 explaining the existence or function of the insurance guaranty
2245 association; requiring the Office of Program Policy Analysis and
2246 Government Accountability to submit a report to the Legislature,
2247 Commissioner of Insurance, Chief Financial Officer, and Governor
2248 reviewing laws governing public adjuster; specifying review
2249 requirements; amending s. 627.0628, F.S.; requiring the Florida
2250 Commission on Hurricane Loss Projection Methodology to hold
2251 public meetings for purposes of implementing certain windstorm
2252 mitigation discounts, credits, other rate differentials, and
2253 deductible reductions; requiring a report to the Governor,
2254 Cabinet, and Legislature; amending s. 624.46226, F.S.;
2255 authorizing reinsurance companies to issue coverage directly to
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2256 certain public housing authorities under certain circumstances;
2257 specifying that a public housing authority is considered an
2258 insurer under certain circumstances; requiring that certain
2259 reinsurance contracts issued to public housing authorities
2260 receive the same tax treatment as contracts issued to insurance
2261 companies; providing construction; providing an effective date.

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